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SIPDIS

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SUBJECT: UPDATE ON COLOMBIAN DRAFT LEGISLATION TOUCHING ON EXTRADITION

Classified By: Ambassador William B. Wood, Reasons: 1.4 B & D.

1. (S) Summary: The Colombian House of Representatives is close to a final vote on criminal procedure code reforms. The GOC, supported strongly by the Embassy, is pushing for status quo on the article that addresses extradition. A sizable number of congressmen, however, continues to advocate new language that would add an oral evidentiary hearing to the extradition process. Senior House players have assured us that the GOC will prevail in the House. In addition, ranking senators have assured us the GOC would ultimately prevail in the Senate, which would be the final step in passage of legislation. Nevertheless, we continue to monitor the situation as drug traffickers and paramilitaries are trying to influence both houses. In a related development, 38 members of Congress co-signed a legislative proposal to modify the Constitution to prohibit extradition of any individual who participates in an eventual peace process with the government. As a Constitutional reform, this measure would face a higher vote hurdle for passage. End Summary.

2. (C) The week of April 12 saw two sessions of debate in the House regarding reforms to the Criminal Procedure Code (Codigo de Procedimiento Penal). Debate is set to resume on April 20. A crucial item in the legislation is Article 518, which established procedures for the Supreme Court's role in the extradition process (Spanish texts faxed to WHA/AND). The House Constitutional Affairs Committee passed a reform proposal that would modify Article 518 to mandate an oral evidentiary hearing between the Court and the defense attorney of the potential extraditee. The GOC, supported strongly by the Embassy, has pushed for maintaining Article 518 intact. Article 518 at present calls for Supreme Court written administrative review of the extradition request. The oral hearing element, according to Embassy and Colombian legal experts, would potentially subject the extradition process to questions, delays, and legal challenges. Sabas Pretelt and Mario Iguaran, GOC Interior and Justice Minister and Vice Minister, respectively, maintained a near constant presence in the House during debate the week of April 13, in an effort to keep out damaging extradition language. The Embassy also expressed U.S. opposition to legislators.

3. (C) In a related development, on April 14, Representative Maria del Rocio Arias Hoyos, along with 38 House and Senate co-sponsors (Senate membership is 102, House 166), introduced into the House a proposal to prohibit extradition of any individual who "reincorporates into society by way of a peace process with the government." (Text faxed to WHA/AND). The proposal is not currently on the formal congressional calendar. As a Constitutional reform, the Arias proposal would require four rounds of approval, two in each house, and in back-to-back congressional periods (periods are March-June and July-December). The second round in both houses would require qualified majority, i.e., majority vote of total members (vice quorum). President Uribe appears to have enough members in both houses to prevent its passage.

4. (C) Comment: The criminal procedure code legislation, once passed by the House, would need to be passed by the Senate prior to becoming law. Speaker Alonso Acosta and Vice President Edgar Torres have assured us privately that the GOC will carry the day in the House. Senate Constitutional Affairs Committee Chair Luis Gomez Gallo and member Andres Gonzalez (former GOC Justice Minister) tell us that any attempt to modify extradition will not make it out of their committee. Nevertheless, the congressional scene is a complicated one, and ongoing tensions between the Executive and Legislative branches may complicate the GOC's ability to hold the line on extradition. Fortunately, the Arias proposal (para 3), as a Constitutional reform, faces a higher vote threshold in the second round.

5. (S) Comment (continued): Embassy has information indicating that both drug traffickers and paramilitaries may be attempting to influence senators and congressman. Embassy will continue to monitor the situation and lobby against any and all modifications to extradition rules and procedures.  
WOOD